

**OCT 18 2005****CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS****NOT FOR PUBLICATION****UNITED STATES COURT OF APPEALS****FOR THE NINTH CIRCUIT**

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**UNITED STATES OF AMERICA,****Plaintiff-Appellee,****v.****JORGE E. PEREZ,****Defendant-Appellant.**

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**No. 04-10494****D.C. No. CR-01-00138-ECR****MEMORANDUM\***

**Appeal from the United States District Court  
for the District of Nevada  
Edward C. Reed, District Judge, Presiding**

**Submitted October 11, 2005\*\***

**Before: T.G. NELSON, WARDLAW, and TALLMAN, Circuit Judges.**

Jorge E. Perez appeals his 24-month sentence imposed after revocation of his supervised release. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Perez contends that the district court erroneously imposed a sentence

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\* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

\*\* This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

consecutive to his indeterminate state sentence because it believed it was bound by U.S.S.G. § 7B1.3(f). We disagree.

The record reflects that the district court recognized that Chapter 7 of the United States Sentencing Guidelines were not mandatory, *see United States v. Olabanji*, 268 F.3d 636, 637 (9th Cir. 2001), and that the district court gave due consideration to the factors outlined in 18 U.S.C. § 3553(a), *see United States v. Steffen*, 251 F.3d 1273, 1278-79 (9th Cir. 2001). *See* U.S.S.G. § 7B1.3(f).

**AFFIRMED.**